



DEP & RE  
Room 807

PATENT  
P56256

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 2005-4 11 3:15

In re Application of:

TAE-YOUNG KIL

Serial No.: 09/755,166

Examiner: GELIN, JEAN ALLAND

Filed: 8 January 2001

Art Unit: 2681

For: SYSTEM AND METHOD FOR PROVIDING PUBLIC/PRIVATE MOBILE  
COMMUNICATION SERVICE

**PETITION UNDER 37 C.F.R. §1.181**

**Mail Stop: Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests from the Examiner's failure to promptly respond, in accordance with the guidance set forth in the *Manual of Patent Examining Procedure* §714.13, to Applicant's Response After Final, forcing Applicant to pay a fee for a three-month extension of time, which should have been unnecessary if the Examiner had responded to the Applicant's Response After Final in a timely manner.

Folio: P56256

Date: 3/2/05

I.D.: REB/kf/ny

**STATEMENT OF FACTS**

1. On 12 August 2004, a final Office action (Paper No. 8) was issued.
2. On 12 November 2004, Applicant timely filed a Response After Final in reply to the final Office action (Paper No. 8).
3. On 25 January 2005, after *two and a half months* from the filing date of Applicant's Response After Final; an Advisory Action (Paper No. 20041112) was issued in response to the Response After Final filed on 12 November 2004.
4. On 14 February 2005, Applicant filed a Notice of Appeal and its fee, together with a Petition for a three month extension of time and its requisite fee of \$1,020.00.

**REMARKS**

*The Manual of Patent Examining Procedure §714.13 states:*

“Any amendment timely filed after final rejection should be immediately considered to determine whether it places the application in condition for allowance or in better form for appeal. An examiner is expected to turn in a response to an amendment after final rejection within 10 calendar days from the time the amendment is received by the examiner. A reply to an amendment after final rejection should be mailed within 30 days of the date the amendment is received by the Office.” (Emphasis supplied).

Considering Applicant's Response After Final to be a request for reconsideration without claim amendments, the Examiner should have submitted his reply within ten calendar days from the time the amendment is received by the Examiner. This is to say, Applicant should have been able to file a Notice of Appeal with a one-month extension of time before 12 December 2004, rather than with a three-month extension of time.

The fact is that, Applicant received the Advisory Action (Paper No. 20041112) dated 25 January 2005 on 27 January 2005, only two weeks before the extended statutory period with a *three-month extension of time* expired on 12 February 2005.

This is extremely unfair to Applicant in that, Applicant was forced to endure the financial burden in the amount of \$1,020.00 for a three-month extension of time, instead of \$120.00 for a one-month extension of time, due to the Examiner's failure to provide Applicant with a reply to a response to a final rejection in a timely manner in accordance with the guidance set forth in the *Manual of Patent Examining Procedure*.

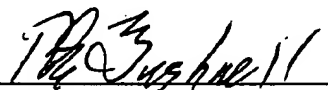
Applicant therefore requests that the difference in fees (\$900.00), between the fee for a three-month extension of time (\$1,020.00) and the fee for a one-month extension of time (\$120.00), be refunded to Applicant. Applicant respectfully requests such amount be deposited to Deposit Account No. 02-4943 of Applicant's undersigned attorney.

**RELIEF REQUESTED**

Accordingly, Applicant respectfully requests the Commissioner to:

- A. Refund Applicant for the difference between a three-month extension of time and a one-month extension of time, that is, \$900.00, and to deposit such amount in Deposit Account No. 02-4943 of Applicant's undersigned attorney ; and
- B. Grant such other and further relief as justice may require.

Respectfully submitted,



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For: SYSTEM AND METHOD FOR PROVIDING PUBLIC/PRIVATE MOBILE  
COMMUNICATION SERVICE

**PETITION FOR EXTENSION OF TIME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.136(a), please extend the time for responding to the final Office action mailed on 12 August 2004 and an Advisory Action mailed on 25 January 2005, for three (3) month to and through 14 February 2005 (*12 February 2005 being on Saturday*).

A three-month fee for large entity in the amount of \$1,020.00 is enclosed (Check No. 48733). Should any additional fees be required under 37 C.F.R. §1.16 or 37 C.F.R. §1.17, please charge them to our Deposit Account No. 02-4943 and advise us accordingly.

Also, should any additional time be required, please accept this as a petition for such additional extension of time and charge our Deposit Account No. 02-4943 and advise us accordingly.

02/15/2005 SZEWDIE1 00000044 09755166

02 FC:1253

1020.00 OP

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Folio: P56256  
Date: 14 February 2005  
I.D.: REB/ny

Adjustment date: 04/07/2005 SDIRETA1  
02/15/2005 SZEWDIE1 00000044 09755166  
02 FC:1253 -1020.00 OP

04/07/2005 SDIRETA1 00000042 09755166

01 FC:1251

120.00 OP

Respectfully submitted,

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Repln. Ref: 04/07/2005 SDIRETA1 0014061400  
DAI: 024943 Name/Number: 09755166  
FC: 9204 \$900.00 CR